

MEUTERMANS et al
Appl. No. 10/531,303
July 10, 2008

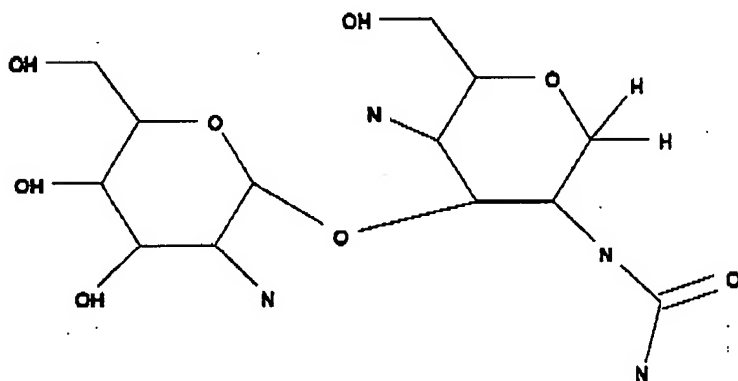
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REMARKS/ARGUMENTS

Favorable consideration of this application is respectfully requested.

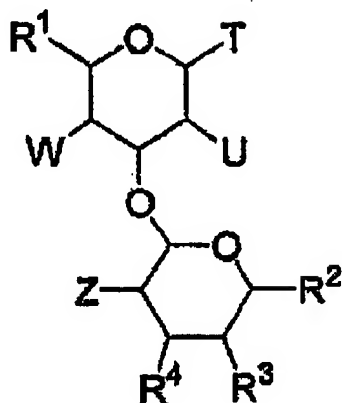
In response to the Examiner's requirement for restriction, Applicant elects Group II (claims 1-22 and 24) drawn to a method of inhibiting bacteria.

In response to the Examiner's requirement for election of "a. species of bacteria", Applicants elect *Staphylococcus* as a generic species of bacteria, in particular, *S. aureus*. In response to the Examiner's requirement for election of "b. compound", Applicants elect the following which represents a "special technical feature" of the instant invention:



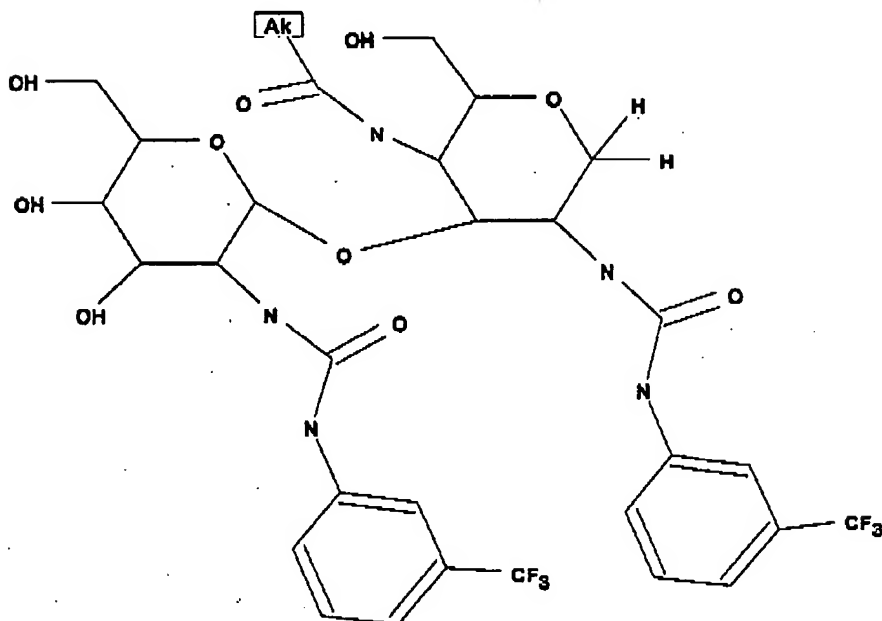
This structure falls within the generic definition of claim 1 as filed wherein formula 1 represents:

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General Formula I

The sub-structure illustrating the special technical feature of the invention can be further represented as follows:



wherein

T is R; and R is H;

U is NHCONH(R); R is substituted aryl represented by phenyl substituted by CF₃;

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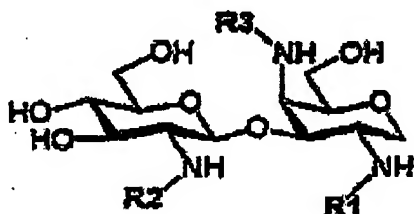
Z is NHCONH(R); R is substituted aryl represented by phenyl substituted by CF₃;

W is NHCOR^L; R^L is alkyl (Ak);

R³ and R⁴ is OH; and

R¹ and R² is CH₂XR; and XR is OH.

The Examiner indicates that Applicants are required to elect a single disclosed species from the above-referenced generic species. In response to that requirement, Applicants elect as the single disclosed species compound 76 – this election is made with traverse:



This compound falls within the scope of claim 14 where

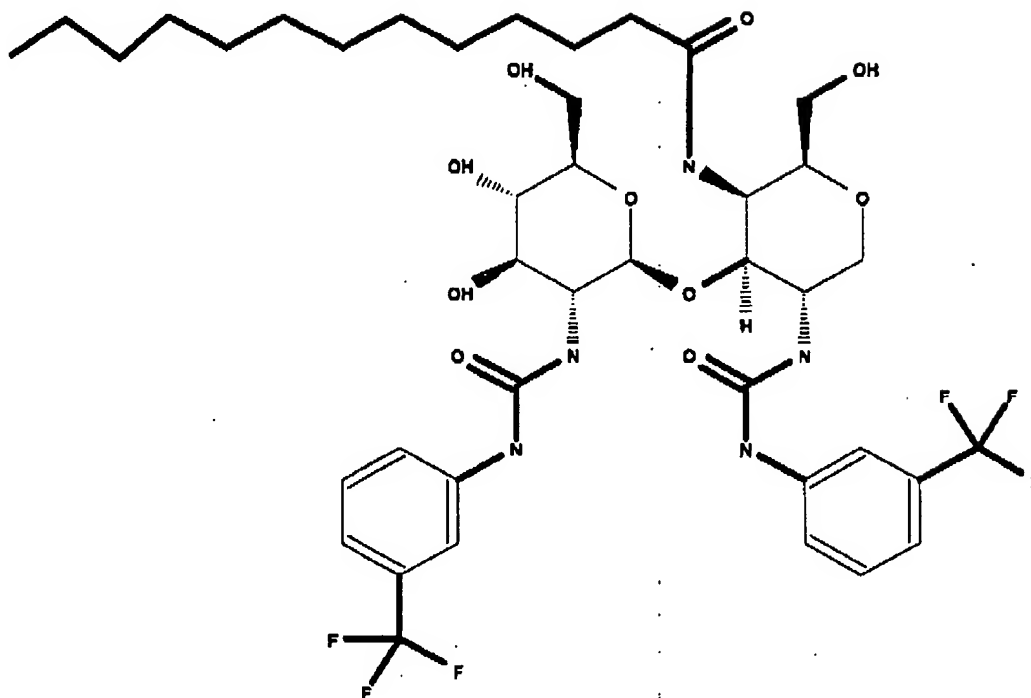
R1	R2	R3
A5	A5	A8

R1 and R2 in the structure as displayed above is A5 and represent U and Z, respectively, in claim 1 as NHCONHR; and

R3 represents W in claim 1 as NHCOR^L and R^L is alkyl.

The structure of compound 76 is as follows:

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The Examiner is urged to reconsider the requirement for election of a species of compound and consider, at least, all compounds having the structure noted above which is indicated as representing a special technical feature of the invention.

The elected compound (Compound 76) has been tested against a number of organisms, including the elected species of bacteria (*S. aureus*).

The claims readable on the elected species include claims 1, 3, 4, 5, 6, 8, 14, 17, 18, 22 and 24.

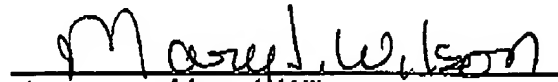
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An early and favorable Action on the merits is request.

Respectfully submitted,

NIXON & VANDERHYE P.C.

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